

REMARKS

This responds to the Office Action mailed on March 22, 2007.

Claims 38-41 have been canceled without prejudice by way of this amendment. Claims 1, 2, 4, and 7 have been amended. No claims are added. Thus, claims 1-5 and 7-12 are now pending.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

Rejection of Claims 1-3 and 7-10 under 35 U.S.C. §102(e) as Anticipated by Simelius

Claims 1-3 and 7-10 were rejected under 35 U.S.C. §102(e) as being anticipated by Simelius (U.S. 2005/0071278).

As mentioned above, independent claim 1 has been amended.

The rule under 35 U.S.C. §102 is well settled that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

Simelius does not appear to disclose all of the elements recited in independent claim 1, as amended. For example, Simelius does not appear to disclose *inter alia* enabling execution of a multi-player game application on a master cellular telephone by allocating a master license and at least one shareable license to the master cellular telephone; enabling execution of the multi-player game application on a shareable device, by executing the application on the master cellular telephone and by allocating the shareable license to the shareable device, wherein the shareable device comprises a second cellular telephone; and terminating execution of the application on the shareable device after failing to receive a response verifying current execution of the application on the master cellular telephone.

For the above reasons, independent claim 1 should be found to be allowable over Simelius, and Applicants respectfully request that the rejection of claim 1 be withdrawn. Dependent claims 2-3 should also be allowable for the reasons presented above.

Regarding independent claim 8, Applicants continue to assert its patentability over the art of record, including Simelius. However, in the event that independent claim 1 is found to be allowable but the rejection of independent claim 8 is maintained, Applicants would consider making corresponding amendments to claim 8. Dependent claims 9-10 should also be allowable for the reasons presented above.

Response to Examiner's Arguments Concerning Claim 1

In the Office Action mailed March 22, 2007, the Examiner stated that “[claim 1] means that the sharable device executes the application once it is executed on the master device not at the present time or when the application is currently executed on the master device.” (para. 3). Applicants respectfully tender that the Examiner is in error.

Claim 1 recites “. . . terminating execution of the application on the shareable device after failing to receive a response verifying current execution of the application on the master cellular telephone.” Therefore, the shareable device is to execute the application at the present time, while the application is currently executing on the master cellular telephone. This is further explained in Applicants’ specification, for example, at page 3, lines 3-9. “Any one or all of the allocated and issued shareable licenses may be revoked . . . when the master license ceases to execute the shared application”

It is also explained on page 8, lines 3-12, of Applicants specification:

The method 211 may continue with receiving a query at the master device to determine current execution of the first application at block 241, that is, whether the first application is currently executing on the master device. The method 211 may also include receiving a response at the shareable device (e.g., from the master device) to verify the current execution of the first application at block 245. If no response is received, the second application, executing on the shareable device, may be terminated. Thus, the method 211 may include terminating the execution of the second application on one or more shareable devices after failing to receive a response verifying current execution of the first application on the master device at block 245.

Rejection of Claim 4 under 35 U.S.C. §103(a)
as Unpatentable over Simelius in view of Lopatic

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius, and further in view of Lopatic (U.S. 2002/0138441).

As indicated above, independent claim 1 is asserted to be allowable over Simelius. Lopatic does not appear to disclose those elements missing from Simelius.

Claim 4, which depends from claim 1, and incorporates all of the limitations therein, is thus asserted to be allowable for the reasons presented above.

Rejection of Claim 5 under 35 U.S.C. §103(a)
as Unpatentable over Simelius in view of Misra

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius, and further in view of Misra et al. (U.S. 2005/0102240).

As indicated above, independent claim 1 is asserted to be allowable over Simelius. Misra does not appear to disclose those elements missing from Simelius.

Claim 5, which depends from claim 1, and incorporates all of the limitations therein, is thus asserted to be allowable for the reasons presented above.

Rejection of Claim 11 under 35 U.S.C. §103(a)
as Unpatentable over Simelius in view of Aldis

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius, and further in view of Aldis et al. (U.S. 2004/0039916).

As indicated above, independent claim 8 is asserted to be allowable over Simelius. Aldis does not appear to disclose those elements missing from Simelius.

Claim 11, which depends from claim 8, and incorporates all of the limitations therein, is thus asserted to be allowable for the reasons presented above.

**Rejection of Claim 12 under 35 U.S.C. §103(a)
as Unpatentable over Simelius in view of Lopatic**

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius, and further in view of Lopatic.

As indicated above, independent claim 8 is asserted to be allowable over Simelius. Lopatic does not appear to disclose those elements missing from Simelius.

Claim 12, which depends from claim 8, and incorporates all of the limitations therein, is thus asserted to be allowable for the reasons presented above.

**Rejection of Claims 38-41 under 35 U.S.C. §103(a)
as Unpatentable over Simelius**

Claims 38-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simelius. As mentioned above, these claims have been canceled.

Additional Elements and Limitations

Applicants consider additional elements and limitations of the claims to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

Conclusion


Applicants respectfully submit that claims 1-5 and 7-12 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' Attorney, Walt Nielsen (located in Phoenix, Arizona) at (602) 298-8920, or Applicants' below-signed attorney, Ann M. McCrackin (located in Minneapolis, Minnesota) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KRYSTOF C. ZMUDZINSKI ET AL.

By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, Minnesota 55402
(612) 349-9592

By /  /
Ann M. McCrackin
Reg. No. 42,858